

**PROPERTY ASSESSMENT APPEAL BOARD**  
**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

PAAB Docket No. 2015-077-00883C

Parcel No. 311/00341-580-002

Richard Beller,  
Appellant,

v.

Polk County Board of Review,  
Appellee.

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**Introduction**

This appeal came on for hearing before the Property Assessment Appeal Board (PAAB) on December 16, 2015. Richard Beller was self-represented and participated by phone. Assistant Polk County Attorney Mark Taylor represented the Board of Review.

Beller is the owner of a 6000-square-foot, commercial warehouse located at 1175 SE 28th Street, Grimes. The warehouse has 1050 square feet of interior finish and 12,712 square feet concrete paving. The site is 0.565 acres.

The property's January 1, 2015, assessment was \$305,000, allocated as \$43,100 in land value and \$261,900 in improvement value. On his protest to the Board of Review, Beller wrote in the area of the form reserved for an error claim; however, the claim essentially asserts the property is assessed for more than the value authorized by law under Iowa Code section 441.37(1)(a)(1)(b). The Board of Review denied the petition.

Beller then appealed to PAAB. He asserts the subject property's assessment should be \$267,000.

## **Findings of Fact**

Beller purchased the property from Ames Community Bank in August 2011 for \$385,000. (Ex. C). Because the property was bank-owned at the time it sold, it is not considered a normal transaction for assessment purposes.

Beller testified he believes the 17% increase in assessed value from 2013 to 2015 is not reasonable. He did not submit any evidence.

Commercial Deputy Assessor Bryon Tack testified for the Board of Review. Tack explained that 2015 was a reassessment year. An assessment/sales ratio analysis of all warehouse properties in Polk County revealed that this class of property had a median ratio of 84.5%, indicating this property type was selling for roughly 15.5% more than their assessed values. (Ex. E). Tack explained the State mandates the median ratio fall between 95% and 105%. For this reason, all warehouse properties received an increase. After the 2015 assessment, a preliminary ratio study of flex space, which performs similarly to the subject property, indicated a 99.8% median. (Ex. E).

The Board of Review also submitted an appraisal by Brookshire Appraisal, Des Moines, Iowa. The appraisal had an effective date of September 2011 and determined a market value opinion of \$390,000. While the appraisal may have supported the subject property's sale price, we do not find it relevant to a 2015 assessment and give it no consideration.

## **Conclusions of Law**

PAAB has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A (2015). PAAB is an agency and the provisions of the Administrative Procedure Act apply to it. Iowa Code § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). PAAB considers only those grounds presented to or considered by the Board of Review, but determines anew all questions arising before the Board of Review related to the liability of the property to assessment or the assessed amount. §§ 441.37A(1)(a-b). New or additional evidence may be introduced, and PAAB considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-Vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no

presumption that the assessed value is correct. § 441.37A(3)(a). However, the taxpayer has the burden of proof. § 441.21(3). This burden may be shifted; but even if it is not, the taxpayer may still prevail based on a preponderance of the evidence. *Id.*; *Richards v. Hardin County Bd. of Review*, 393 N.W.2d 148, 151 (Iowa 1986).

In an appeal alleging the property is assessed for more than the value authorized by law under Iowa Code section 441.37(1)(a)(1)(b), the taxpayer must show: 1) the assessment is excessive and 2) the subject property's correct value. *Boekeloo v. Bd. of Review of the City of Clinton*, 529 N.W.2d 275, 277 (Iowa 1995).

Beller purchased the property in September 2011 for \$385,000; however, this was the sale from a bank. Sales prices of the property or comparable properties in normal transactions are to be considered in arriving at market value under Iowa law. § 441.21(1)(b). However, “[s]ales prices of property in abnormal transactions not reflecting market value shall not be taken into account, or shall be adjusted to eliminate the effect of factors which distort market value, including . . . foreclosure or other forced sales.” *Id.* Because Beller's purchase of the property was from a bank, and it occurred four years prior to the assessment, the subject property's sale price is not a reliable indicator of market value for the 2015 assessment.

Beller did not submit any other evidence of the 2015 fair market value of the subject property, such as an appraisal, an income analysis, a cost analysis, or any comparable properties adjusted for differences.

Based on the foregoing, we find Beller has not met his burden of establishing the property is over-assessed by a preponderance of the evidence.

## **Order**

IT IS THEREFORE ORDERED that the Polk County Board of Review's action is affirmed.

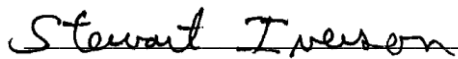
This Order shall be considered final agency action for the purposes of Iowa Code Chapter 17A (2015). Any application for reconsideration or rehearing shall be filed with PAAB within 20 days of the date of this Order and comply with the requirements of PAAB administrative rules. Such application will stay the period for filing a judicial

review action. Any judicial action challenging this Order shall be filed in the district court where the property is located within 20 days of the date of this Order and comply with the requirements of Iowa Code sections 441.38; 441.38B, 441.39; and Chapter 17A.

Dated this 11th day of January, 2016.

Handwritten signature of Karen Oberman in cursive script, positioned above a horizontal line.

Karen Oberman, Presiding Officer

Handwritten signature of Stewart Iverson in cursive script, positioned above a horizontal line.

Stewart Iverson, Board Chair

Handwritten signature of Jacqueline Rypma in cursive script, positioned above a horizontal line.

Jacqueline Rypma, Board Member

Copies to:

Richard Beller

Mark Taylor